

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 26, 2005

DIVISION ONE

B178549 People (Not for Publication)
v.
Carl A. Vallier

The judgment is affirmed.

Rothschild, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B176425 People (Not for Publication)
v.
Gilbert S.

The juvenile's court's order of wardship is reversed. We remand the case for the juvenile court to enter a new order dismissing count one with prejudice.

Suzukawa, J. (Assigned)

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B180901	Queenscare v. Bill Lockyer
B181764	Queenscare v. Bill Lockyer

Filed order consolidating above captioned appeals.

DIVISION TWO

B175633 Los Angeles County, D.C.S. (Certified for Publication)
v.
James A.

The order denying appellant's request for presumed father status is reversed. The case is remanded to the juvenile court for proceedings in accordance with this opinion.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B174375 People (Not for Publication)
v.
McCallock

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B178519 People (Not for Publication)
v.
Varahram

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

May 26, 2005 (Continued)

DIVISION TWO (Continued)

B179280 Los Angeles County, D.C.S. (Not for Publication)
v.
Patrina B.

The order of the juvenile court is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Nott, J. (Assigned)

[illegible]

The trial court's order denying appellant's motion to suppress evidence is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

[illegible]

The Court:

The order of wardship is modified to reflect that the condition of probation involving possession of any dangerous or deadly weapon reads as follows: “Do not have any dangerous or deadly weapon in your possession and do not remain in the presence of any person known by you to be unlawfully armed.” In all other respects, the order of wardship is affirmed.

Boren, P.J., Ashmann-Gerst, J., Nott, J. (Assigned)

DIVISION TWO (Continued)

B175225 People
 v.
 Pinedo

Filed order modifying opinion. (No change in the judgment)

B176071 People
 v.
 Caldwell

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B174240 Hermosa Beach Stop Oil Coalition, et al.
 v.
 City of Hermosa Beach, et al
 Windward Associates, et al.

Filed order vacating submission order of February 9, 2005. Due to the press of other court business and the complexity of the issues, additional time is needed to complete and file the opinion in this matter. Cause resubmitted.

DIVISION FOUR

B171775 Ingels (Certified for Publication)
v.
Westwood One Broadcasting Services, Inc. et al.

The order granting the special motion to strike and dismissal of the action is affirmed. Costs and attorney fees, as determined by the trial court upon remand, are awarded to respondents.

Hastings, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION SIX

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B181148 Jessica B. (Not for Publication)
v.
Santa Barbara Superior Court
(Child Protective Services, r.p.i.)

The petition for extraordinary writ is denied.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

May 26, 2005 (Continued)

DIVISION SIX (Continued)

B180091 People
v.
Molina

Filed order submitting cause pursuant to stipulation filed May 26, 2005.

DIVISION SEVEN

B177309 Allen (Not for Publication)
v.
Waskiewicz et al.,

The judgment is affirmed as to Dr. Michael Sarti and reversed as to Dr. Thomas Waskiewicz and California Emergency Physicians. Appellant is awarded her costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B177605 Lowry (Certified for Publication)
v.
Gutierrez

The judgment granting a writ of mandate is reversed and the cause is remanded to the trial court with directions to enter a new judgment denying the petition and dismissing the action. Because this case presents a close legal issue on which there is conflicting authority we order each party to bear its own costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION EIGHT

Court convened at 9:02 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B179269	DCFS v. Theresa M.
B181402	Ericka M. v. SCLA (DCFS)
B175261	People v. Floyd
B174888	People v. Avila
B177026	People v. Cooper
B174209	People v. Toledo and Rios
B179143	DCFS v. Jose B.
B177571	People v. Martines
B177168	People v. Towers
B156790	People v. Hilger

Argument waived, cause submitted.

B171806	M.A. Butters & Associates v. City Of Lancaster
---------	--

Merits:

Argued by Douglas J. Evertz for defendant/appellant and by F. Glenn Nichols for plaintiff/appellant. Cause submitted.

B174458	Buchanan v. Maxfield Enterprises, Inc.,
---------	---

Merits:

Argued by Baird A. Brown for appellant and by Michael Nunez for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B172440 Meiers
 v.
 Meiers

Merits:

Argued by Thomas P. Dunlap for appellant and by cross-appellant Steven Meiers in propria persona. Cause submitted.

Cooper, P.J. left the bench at 9:41 A.M.

Court recessed at 10:38 A.M.

Court reconvened at 10:49:51 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B178828 Los Angeles County, D.C.S.
 v.
 Robert D. and Darlene M.
 In re: Robert D. et al.,

Merits:

Argued by Leslie Barry for appellant Darlene M., by Ernesto Paz Rey for appellant Robert D., and by Judith A. Luby, Deputy County Counsel for respondent. Cause submitted.

Flier, J. leaves the bench.

B172635 Lowe et al.,
 v.
 Teledyne Continental Motors, Inc.,
 Performance Aero Engines, Inc.,

Merits:

Argued by Robert M. Churella and Georgette Herget for respondents and by Ian Herzog for appellants. Cause submitted.

Court recessed at 11:51 A.M.

May 26, 2005 (Continued)

DIVISION EIGHT (Continued)

Court reconvened at 1:00 P.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B168237 Weathers
 v.
 Weathers
 Estate of Annitter Starks Family Trust

Appearances:
Richard A. Stone for respondent and no appearance by appellant.
Argument waived, cause submitted.

B173990 People
 v.
 Hicks

Merits:
Argued by Anthony Dain for appellant and by Michael A. Katz, Deputy Attorney General for respondent. Cause submitted.

B173698 People
 v.
 Lawson

Merits:
Argued by Lynette Moore for appellant and by Robert C. Schneider, Deputy Attorney General for respondent. Cause submitted.

Rubin, J. leaves the bench.

DIVISION EIGHT (Continued)

B174522 Indymac Bank F.S.B.,
 v.
 Royal Bank Of Pennsylvania

Merits:
Argued by John Kralik for appellant and by John Gloger for respondent.
Cause submitted.

B178714 Los Angeles County, D.C.S.
 v.
 Tanny M.,
 In Re: Paola C.

Oral argument continued to June 29, 2005, at 10:30 a.m.

Each of the following:

B174111 Turner v. Aon Corporation
B174674 Trancas Property v. City Of Malibu
B175320 Lopez v. Hartt

Oral argument continued to June 29, 2005, at 1:00 p.m.

Court adjourned.

B170343 Los Angeles County, D.C.S.
 v.
 Joshua S. et al.,

Filed order vacating submission order of February 7, 2005. The court has issued a letter pursuant to Government Code section 68081. . The cause is resubmitted effective the date of filing the letter briefs pursuant to Government Code section 68081.

May 26, 2005 (Continued)

DIVISION EIGHT (Continued)

[illegible]

The judgment is affirmed. The parties are to bear their own costs on appeal.

Rubin, J.

I concur: Boland, J.
I dissent: Cooper, P.J. (Opinion)